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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,469	11/10/1999	ANTONIO DE RENZIS	3572-14	8020

7590 02/13/2003

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EXAMINER

MERLINO, AMANDA H

ART UNIT	PAPER NUMBER
2877	

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/437,469	DE RENZIS, ANTONIO
	<b>Examiner</b>	<b>Art Unit</b>
	Amanda H Merlino	2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10 November 1999 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 18 is/are allowed.

6)  Claim(s) 1-11 and 13-17 is/are rejected.

7)  Claim(s) 12 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.      6)  Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 and 13-17 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Cameron et al (5,006,721).

Cameron et al teach of a method for measuring distance of an object comprising emitting a signal, directing the signal towards an object and the detecting the diffused light reflected from the surface and using the detected signal to calculate the distance wherein a calibration step is carried out to associate a prefixed distance with a prefixed comparison signal value.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11 rejected under 35 U.S.C. 103(a) as being unpatentable over by Cameron et al (5,006,721).

Cameron et al teach of a method for measuring distance of an object comprising emitting a signal, directing the signal towards an object and the detecting the diffused light reflected from the surface and using the detected signal to calculate the distance wherein a calibration step by is carried out to associate a prefixed distance with a prefixed comparison signal value.

Cameron et al lacks the teaching of obtaining a mean scan of a plurality of scans.

Official Notice is taken that calculating a mean value by taking a plurality of measurements is old and well known in the art. See *In Re Malcolm* 1942C.D.589:543 O.G.440.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to calculate a mean value since it is well known that calculating a mean value by taking a plurality of measurements would result in a more accurate and precise measurement.

#### ***Allowable Subject Matter***

Claim 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 allowed.

The following is an examiner's statement of reasons for allowance:

As to claims 12 and 18, the prior of record, taken alone or in combination, fails to disclose or render obvious a method for measuring distance comprising a calibration step wherein a prefixed distance is associated with a prefixed comparison signal by scanning light along the sample and then filling with the distance values associated to the numerical values obtained for the samples  $x_j$ , the items of a calibration matrix having, as index of column  $j$  a number from zero to the number of samples  $x_j$  extracted, and as index of row  $I$ , a number from zero to the maximum value of the numerical value obtained after the analog to digital conversion of the comparison signal, the method further comprising the step of filling the empty items  $(i, j)$  of the matrix comprises the step of identifying column by column, the empty items  $(I, j)$  of the matrix and filling each of these empty items with a value obtained by linearly interpolating between the two numerical values differing from 0 that are nearer to the empty item, and belonging to the same column ...., in combination with the rest of the limitations of claims 11 and 18 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Levecq et al (6,392,755) and Cremer et al (6,424,421) teach of a calibration step of associating prefixed distance values with prefixed comparison signals.

*Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax Machine located in Crystal Plaza 4. The form of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is:*

**703-308-7722**

If the applicant wishes to send a Fax dealing with a Proposed Amendment for discussion for a phone interview then the fax should:

- 1) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Examiner Amanda H. Merlino* whose telephone number is (703) 305-3488. The examiner can be reached on Mondays and Thursdays only.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-0956.

**Amanda H. Merlino** *ahm*  
**Patent Examiner**  
**Art Unit 2877**  
February 6, 2003/ahm

*SLH, JAF*

**FRANK G. FONT**  
**SUPERVISORY PATENT**  
**EXAMINER**